

## EXHIBIT 5

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Page 1

1 UNITED STATES DISTRICT COURT  
 2 SOUTHERN DISTRICT OF NEW YORK

3  
 4 JOHN WILEY & SONS, INC., )

5 Plaintiff, )

6 vs. )

No. 1:11-CV-05454-GBD

7 DRK PHOTO, )

8 Defendant. )

9 \_\_\_\_\_ )  
 10 DRK PHOTO, )

11 Counterclaimant, )

12 vs. )

13 JOHN WILEY & SONS, INC., )

14 Counterdefendant. )

15 \_\_\_\_\_ )

16  
 17 \*\* C O N F I D E N T I A L \*

18 30(b)(6) DEPOSITION OF DANIEL RALPH KRASEMANN

19 Sedona, Arizona

20 February 18, 2013

21 9:53 a.m.

22  
 23 Reported by:

24 SHANNON STEVENSON, RPR, CCR

25 Certificate No. 50461

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1 natural that infringement issues would come up, licensing  
2 issues, terms, but I don't know who I may or may not have  
3 talked to about this or about that.

4 Q How many lawsuits has DRK brought against  
5 textbook publishers for violating license terms?

6 A I believe we have discovered that four or five  
7 may have exceeded our previously issued licensing terms.

8 Q And have you brought lawsuits against all four  
9 or five?

10 A Lawsuits would be brought against them only  
11 after DRK failed in its efforts to communicate and settle  
12 the issues directly with the company or when the company  
13 slams the door in our face and files a lawsuit against  
14 us, we have no other alternative.

15 Q I'm not sure you answered the question I asked  
16 you. I asked you if you had brought lawsuits against all  
17 four or five?

18 A I believe we ultimately have.

19 Q In connection with four or five lawsuits  
20 against publishers who you claim have violated license  
21 terms, have you discussed the violation of license terms  
22 with photographers?

23 A Like I said, my brother because of the Triple A  
24 hearing, they did over-the-phone testimony from him, so  
25 he's aware probably of who that's involved with. When we

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## ACKNOWLEDGMENT OF DEPONENT

I, DANIEL RALPH KRASEMANN, do hereby certify that I have read the foregoing transcript of my testimony, and further certify that it is a true and accurate record of my testimony (with the exception of the corrections listed below):

Page	Line	Correction
18	13	AS AND P
45	15	I GAVE
57	4	production quality
58	19	From the
58	19	FROM ALL
71	6	LOCATED
85	14	RELEASING
92	14	SIZE
122	16	DRP
127	22	PRE-LICENSING
128	22	PHOTOGRAPHER



DANIEL RALPH KRASEMANN

SUBSCRIBED AND SWORN TO BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

(NOTARY PUBLIC)

MY COMMISSION EXPIRES:

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